

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3872 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

DILSHAD M. SINDHI

Versus

STATE OF GUJARAT

Appearance:

MR DM THAKKAR for Petitioners
None present for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/02/98

ORAL JUDGEMENT

1. On 3-9-1986, this matter was ordered to be heard with special civil application No.2508/86. From the office note, it is clear that the special civil application No.2508/86 has already been decided on 27th February, 1989.

2. The petitioners have prayed for direction to the respondents to give them permanent status and to give 'equal pay for equal work'. They claimed the benefit of permanency on the basis of the resolution of the

Government dated 4th July, 1973, annexure 'A'. The learned counsel for the petitioner submitted that another resolution of the Government has come on 17th October, 1988 and as per that resolution, the petitioners are now entitled for all the benefits peri-materia with the regular employees of the Department.

3. The respondents have not chosen to file any reply to the special civil application, and as such, the averments made in this special civil application stand uncontroverted.

4. The petitioners are also unable to let this Court know what transpired during all these years. There is all possibility that by this time the services of the petitioners would have been regularised and they would have been given the pay in the regular pay scale of the post. In the service matters, it is the duty of the petitioner to bring on record the latest position and further precisely to let know the Court what grievance now survives. Be that as it may.

5. The interest of justice will be served in case this special civil application is disposed of in the terms that if still some grievance of the petitioners survives then they may make a representation to the respondents and in case such a representation is made then the respondents shall decide the same in accordance with law after passing a speaking order. In case of difficulty, liberty is granted to the petitioners for revival for this special civil application.

(S.K. Keshote,J)